

EXHIBIT C

1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

2 Branch 9

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4 STATE OF WISCONSIN,

5 Plaintiff,

6 vs. Case No. 04 CV 1709

7 ABBOTT LABORATORIES, et al.,

8
9 Defendants.

10 PROCEEDINGS: Motion Hearing

11 BEFORE: HONORABLE RICHARD G. NIESS

12 DATE: March 10, 2009

13 TIME: 8:49 a.m.

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16 APPEARANCES: P. JEFFREY ARCHIBALD,
17 Attorney at Law,
18 Madison, Wisconsin,
appearing on behalf
of the Plaintiff.

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20 CHARLES BARNHILL, JR. and
21 ELIZABETH EBERLE,
Attorneys at Law,
22 Madison, Wisconsin,
appearing on behalf
23 of the Plaintiff.

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1 THE COURT: Let me give you my
2 impression. I'm, frankly, not inclined to try more
3 than one defendant at a time. I thought that while
4 the presentations were excellent on both sides in the
5 Pharmacia case, Counsel was efficient, Counsel was
6 solicitous to the jury's naivete in the whole thing.
7 And I don't mean in a smarmy way. I mean you were
8 actually educating the jury as you went along. I
9 thought they were presented with a ton of information
10 in a short period of time. They obviously -- well,
11 not obviously, I think they absorbed a lot of it. I
12 don't know that they could have taken anything more
13 than what we did. And I think we face a real problem
14 with jury confusion by combining them. I don't think
15 there are any shortcuts here. I think -- I can give
16 you more than one trial date a year now knowing that
17 we're dealing with two to perhaps three-week trials
18 rather than a month to six weeks for each one of
19 , them. That was very helpful.

20 I am concerned about the different
21 models. I'm concerned about, for example, in the
22 Pharmacia case there were some documents that were
23 from Pharmacia that were -- without getting too much
24 specifically into the case, they were like the Ford
25 Pinto document. I don't want the industry to be

1 painted with one broad brush even though I'm sure the
2 plaintiff views them as perhaps equally culpable or
3 at least culpable to some degree.

4 I think every defendant needs to start
5 with a fresh start. I'm more than happy to give you,
6 as I say, more than one trial date in the year now
7 that we know how much time is available. But I am
8 not inclined to combine them because of the -- I just
9 think you folks did as good a job as possible with
10 the amount of information you had. And to just throw
11 anything more on here is just going to overwhelm the
12 jury. I'm not so sure that we would be able to do it
13 in the two-week period. We'd have to do it in
14 perhaps three weeks. I don't know how much time
15 saving you're actually going to have. I'm hopeful
16 that with a couple of these trials we'll get some
17 sort of a pattern as to what the state of Wisconsin
18 juries seem to think about these things. And maybe
19 that will spur on resolution outside the courtroom.

20 In any event, that's my initial
21 impression. Notwithstanding your eloquent arguments
22 to the contrary, Mr. Barnhill, at this point I'm not
23 inclined to combine anybody.

24 MR. BARNHILL: Fine, Your Honor.

25 THE COURT: You're welcome to address